

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: )  
Timothy John Warner )  
Serial No.: 10/527,046 )  
Filing Date: March 8, 2005 ) Customer No.: 23644  
For: Construction Kit )

**RENEWED PETITION UNDER 37 C.F.R. §1.181**

Assistant Commissioner for Patents  
Mail Stop PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Renewed Petition is being filed in view of the decision mailed by the Patent and Trademark Office on March 5, 2007.

In the decision of March 5, 2007, the legal examiner faulted the filing of May 5, 2006 in two respects. First, with regard to requirement (2), the legal examiner indicated that no statement was made of searching both the file jacket and docket records to show that the Office Action was not received. While the legal examiner appears to have overlooked the concluding sentence, namely "The undersigned can unequivocally confirm lack of receipt", to fulfill this requirement, the undersigned states for the Patent and Trademark Office that a search of both the file of this office and the docket records indicates that the Office Action was not received.

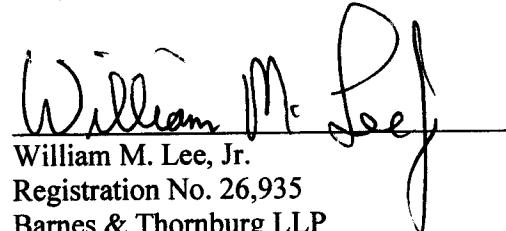
Regarding requirement (3), perhaps the legal examiner misunderstood what was provided to the Patent and Trademark Office. The attachments to the Petition received September 9, 2003 were all docket records of the firm of the undersigned having deadlines of September 22, 2005. While a "tickler sheet" could have been generated if that "tickler sheet" were prepared prior to September 22, 2005, the docket system of the firm of the undersigned does not allow an *ex parte facto* generation of any such sheet. Thus, instead although equivalently, the records submitted to the Patent and Trademark Office contain all docket entries of the firm of the undersigned having PTO action dates (that is, mailing dates by the PTO) of July 22, 2005. Had the Notice of Missing Requirements of July 22, 2005 for this

application been received, one of the records would have shown that, but as the Patent and Trademark Office can see, there is no such attachment to the Petition because no such notification was ever received from the Patent and Trademark Office. What has been provided to the Patent and Trademark Office is clearly the docket record of the firm of the undersigned where the non-received paper would have been entered had it been received.

It is therefore requested the Petition be reconsidered and the application revived without further delay. Any inquiries should be directed to the undersigned.

April 4, 2007

Respectfully submitted,



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